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November 13, 2007

FEDERAL EXPRESS & ECF

Hon. Sandra J. Feuerstein
United States District Judge
United States Courthouse
Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722

Order

The application is:

☒ granted
☐ denied
☐ referred to Magistrate Judge _____ for
_____ decision
☐ report and recommendation

CJA ELIZABETH MACEDONIA is appointed

Re: United States v. Burudi Faison
07-700 (SJF)

Dear Judge Feuerstein:

Please accept this correspondence as a request to be relieved as counsel for the defendant Burudi Faison. I was appointed pursuant to the Criminal Justice Act to represent the defendant on July 28, 2007. Trial is presently scheduled for the matter for December 17, 2007.

This application to be relieved is made due to the complete breakdown in the attorney-client relationship between Mr. Faison and myself. Initially, it must be noted that at the first appearance before this Court on September 25, 2007 the defendant requested that counsel be relieved and that new counsel be appointed. That application was denied.

Since that date I have endeavored to meet with the defendant on four separate occasions to discuss the case. Amongst the many matters to be discussed during these meetings were: (1) review the discovery provided by the government; (2) potential plea negotiations; (3) the effect the government's decision to file a Prior Felony Information could have upon him in the event he were convicted; (4) legal issues and defenses; (5) factual assistance in investigation of the potential government cooperating witness; and (6) trial strategy.

At these meeting the defendant has made clear to me that he does not trust me and will not discuss any of the above-described matters in any meaningful way as a consequence of his lack of trust in me as his attorney. Indeed, the depth of the defendant's mistrust of me as his counsel is clearly evinced by the annexed letter sent by him to Magistrate Judge Lindsay. In the correspondence Faison writes "I am writing to you because I don't trust my Attorney and I believe I am being misled".

Hon. Sandra J. Feuerstein
November 13, 2007
Page 2

Following the receipt of this letter I endeavored to meet with the defendant in an attempt to remedy this fundamental breakdown in the attorney-client relationship between Mr. Faison and myself. At these meetings the defendant has been steadfast in his refusal to discuss with me the essential matters outlined above as a consequence of his lack of trust in me. He has requested and I clearly agree at this point that it is essential to insure that Burudi Faison's Sixth Amendment right to counsel be protected that I should be relieved and new counsel appointed for him pursuant to the Criminal Justice Act.

The defendant faces a very significant period of incarceration if convicted. That sentence will be greatly enhanced should the government, as they have stated they shall, file a Prior Felony Information. These consequences must be discussed with the defendant by counsel with whom the defendant will listen to. Effective trial preparation, which to a great extent in this case involves the acquisition of information in the defendant's possession must be conducted by counsel with whom the defendant feels comfortable.

Unfortunately, as outlined herein, there now exists a fundamental breakdown in the attorney-client relationship between Burudi Faison and myself which has undermined any such ability on my part to further provide the defendant with effective representation.

It is therefore respectfully requested that the Court grant the application of both myself and the defendant that I be relieved and that new counsel be appointed to represent the defendant pursuant to the Criminal Justice Act.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Alan Nelson', written over a horizontal line.

Alan Nelson

cc: AUSA Charles Kelly (ecf)
Burudi Faison (mail)

BURUCK FAISON 07007218

100 CARMAN AVE

EAST MEADOW NY 11554

DIF

Judge Lindsay
U.S. District Court
EDNY CENTRAL ISLIP

Dear Judge Lindsay,

I AM writing to you because I dont trust my Attorney And I believe I Am being misled. I will not go into specifics so as to cause another contr versial issue. ON September 13, 2007 I was supposedly indicted, AND from the information on my paper work your listed AS the presiding Magistrate judge. If what I AM ASKING of your honor is not permissable OR would cause a conflict I understand if you have to decline my request. but if it is possible I would like to know if you presided over this matter, if there is a copy that I could recieve of the original indictment that contains the foremans signature of page (3) of my indictment which is whited out, page (4) which is also whited out, AND I would like to know who the signature belongs to at the bottom of page (3) of my indictment, AND why this is A different Attorney for the government

than listed on page (4), the information sheet (1). I Am Also unsure of the two stamped names on my indictment. From my understanding, FEUERSTEIN, S is my trial judge, I was told that Tomlinson, M should have been my grand jury magistrate judge, but the name reflected on my sheet of calendar minutes on grand jury presentment is yours.

This is why I Am writing to you. I've sent a copy of the indictment for you to look at. Now I'm not requesting ANY legal Advice or that A legal position be taken. I'm only asking that if you were the presiding judge on my grand jury that you either forwarded to me A copy of the indictment that contains the foreman's signature, And explanation of the other matters in which I asked, or explanation of ~~the~~ All the matters in which inquired.

Thank you

Burudi Faison